



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/620,344	07/17/2003	Hsin-Tang Chien	4392-0136P	8676

2292 7590 05/24/2005

BIRCH STEWART KOLASCH & BIRCH
PO BOX 747
FALLS CHURCH, VA 22040-0747

EXAMINER

SAWHNEY, HARGOBIND S

ART UNIT	PAPER NUMBER
----------	--------------

2875

DATE MAILED: 05/24/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/620,344	CHIEN, HSIN-TANG	
	Examiner	Art Unit	
	Hargobind S. Sawhney	2875	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 July 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. The amendment filed on March 16, 2005 has been entered. Accordingly, claims 1-5 have been amended.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1 and 4 are rejected under 35 U.S.C. 102(e) as being anticipated by Zou et al. (US Patent No.: 6,550,942 B1).

Regarding Claim 1, lines 8 and 9, the functional language “a light intensity measured at the two ends of the said object being greater than a light intensity measured at the two ends of the lamp” has not been given patentable weight because it is a narrative in form. In order to be given patentable weight, a functional recitation must be expressed as a “means” for performing the specific function, and must be supported by the recitation in the claim of sufficient structure to warrant the presence of the functional language.

Regarding Claim 4, lines 6 and 7, the functional language “a light intensity measured at the two ends of the said object being greater than a light intensity measured at the two ends of the lamp” has not been given patentable weight because it is a narrative in form. In order to be given patentable weight, a functional recitation must be expressed as a “means” for performing the specific function, and must be supported by the recitation in the claim of sufficient structure to warrant the presence of the functional language.

Regarding Claim 1, Zou et al. ('942 B1) discloses a lamp assembly 500 (Figure 14, column 11, line 48) comprising:

- a lamp 502 (Figure 14, column 11, line 53) with two ends, and the lamp 502 able to emit light beam onto an object (not shown); and
- a transparency 516 disposed between the lamp 500 and the object, and the transparency 516 including a first surface receiving the light beam, and a second surface including a plurality of refractors 518 (Figure 14, column 11, lines 55-62).

Regarding Claim 4, Zou et al. ('942 B1) discloses a lamp 500 (Figure 14, column 11, line 48) comprising:

- a lamp 502 (Figure 14, column 11, line 48) for emitting light beam onto an object (not shown); and
- a convex plate 504 disposed over the lamp 502 for reflecting light beam (Figure 14, column 11, line 53).

Art Unit: 2875

4. Claim 2 is rejected under 35 U.S.C. 102(e) as being anticipated by Niimi et al. (WO 03/032363 A1) hereinafter referred as Niimi.

The functional language, included in lines 6-8, "a light intensity measured at the two ends of the said object being greater than a light intensity measured at the two ends of the lamp" has not been given patentable weight because it is a narrative in form. In order to be given patentable weight, a functional recitation must be expressed as a "means" for performing the specific function, and must be supported by the recitation in the claim of sufficient structure to warrant the presence of the functional language.

Niimi discloses a lamp 1A (English translated abstract with Figure 1) comprising:

- a lamp 1A for emitting light beam onto an object (not shown, English translated abstract with Figure 1); and
- a lamp tube 2A having variable thickness, and including two ends 2A and 2a each being thicker than that of the central part 2c (English translated abstract with Figure 1) for refracting the light beam.

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claim 3 is rejected under 35 U.S.C. 102(b) as being anticipated by Nelson et al. (US Patent No.: 3,885,181).

The functional language, included in lines 5-7, "a light intensity measured at the two ends of the said object being greater than a light intensity measured at the two ends

of the lamp" has not been given patentable weight because it is a narrative in form. In order to be given patentable weight, a functional recitation must be expressed as a "means" for performing the specific function, and must be supported by the recitation in the claim of sufficient structure to warrant the presence of the functional language.

Nelson et al. ('181) discloses a lamp (Figures 1 and 7) comprising:

- a lamp (Figures 1 and 7) for emitting light beam onto an object (not shown; and
- the lamp being a tube including a surface facing the object (not shown), and the surface including a plurality of refractors 14 and 15(Figure 7, column 3, lines 31-33) for refracting the light beam.

7. Claim 5 is rejected under 35 U.S.C. 102(b) as being anticipated by Lewin (US Patent No.: 4,575,788).

The functional language, included in lines 7-9, "a light intensity measured at the two ends of the said object being greater than a light intensity measured at the two ends of the lamp" has not been given patentable weight because it is a narrative in form. In order to be given patentable weight, a functional recitation must be expressed as a "means" for performing the specific function, and must be supported by the recitation in the claim of sufficient structure to warrant the presence of the functional language.

Lewin et al. ('788) discloses a lamp¹⁰ (Figure 1) comprising:

- a lamp 17 (Figure 1, column 3, line 17) for emitting light beam onto an object (not shown;

- a reflector , including sections 12-15, disposed over the lamp 17 (Figure 1, column 3, lines 14-17; and
- the reflector including a plurality of reflection units 12-15 for reflecting the light beams onto the object.

Response to Amendment

8. Applicant's arguments filed on September 17, 2002 with respect to the 35 U.S.C. 102(e) rejections of claims 1, 2 and 4, and the 35 U.S.C. 102(b) rejections of claims 3 and 5 and 4 have been fully considered but they are not persuasive.

Argument: Zou (' 942) does not teach or suggest "a light intensity measured at the two ends of the said object being greater than a light intensity measured at the two ends of the lamp" recited in claims 1 and 4.

Response: The functional language "a light intensity measured at the two ends of the said object being greater than a light intensity measured at the two ends of the lamp" has not been given patentable weight because it is a narrative in form. In order to be given patentable weight, a functional recitation must be expressed as a "means" for performing the specific function, and must be supported by the recitation in the claim of sufficient structure to warrant the presence of the functional language.

Argument: Niimi does not teach or suggest "a light intensity measured at the two ends of the said object being greater than a light intensity measured at the two ends of the lamp" recited in Claim 2.

Response: The above-indicated response applied for claims 1 and 4 is also applicable for claims 2, 3 and 5

Conclusion

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

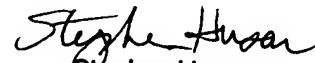
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hargobind S. Sawhney whose telephone number is 571 272 2380. The examiner can normally be reached on 6:15 - 2:45.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra O'Shea can be reached on 571 272 2378. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

HSS
5/18/05


Stephen Husar
Primary Examiner